

IN THE MICHIGAN COURT OF APPEALS

ORDER

Re: **Wendy Way v Muskegon Area Transit System**

Docket No. **284183**

L.C. No. **07-045395 NI**

Henry William Saad, Chief Judge, acting under MCR 7.203(F)(1) and 7.216(A)(10),
orders:

The claim of appeal filed on March 12, 2008, is DISMISSED for lack of jurisdiction. The order of February 29, 2008, is not a final order under MCR 7.202(6)(a)(v). In reviewing an order to determine whether it is appealable by right, the Court looks at the substance of the order, not the label. See *People v Mehall*, 454 Mich 1 (1997). In this case, although the trial court stated that it denied the motion, the trial court actually only delayed a decision on governmental immunity until after discovery was completed. The trial court did not “deny...governmental immunity to a governmental party” as stated in MCR 7.202(6)(a)(v).



A true copy entered and certified by Sandra Schultz Mengel, Chief Clerk, on

APR - 9 2008

Date

Sandra Schultz Mengel
Chief Clerk